

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 SPARTANBURG DIVISION
4 CASE NO. 7:22-cv-03738-TMC-KFM

4 Kelly Dawsey,

5 Plaintiff,

6 vs.

7 Bayerische Motoren Werke
8 Aktiengesellschaft and BMW
Manufacturing Co., LLC,
collectively d/b/a "BMW Group",

9 Defendants.

11 DEPOSITION OF ROBERT ENGELHORN

14 DATE TAKEN: May 4, 2023

15 TIME BEGAN: 10:00 a.m.

16 TIME ENDED: 2:48 p.m.

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23 ALSO ATTENDING: Paul Lindemann, Kelly Dawsey

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25

1 president, right?

2 A. Yes.

3 Q. You answered that question grammatically
4 correctly, but it could be construed one of two
5 ways. I'm not trying to criticize, sir. I asked
6 the question. You answered it correctly, but I
7 have to rephrase it.

8 During the time that you have been president, has
9 there been any international associate at level 2
10 other than associates from Germany?

11 A. We have two US citizens as level 2 right now.

12 Q. But in terms of international associates, has
13 there been anybody from any country other than
14 Germany?

15 A. US citizens are also considered as international
16 candidates because for sure, again, production
17 follows the market, and being -- working in an
18 upper-level management position makes
19 international candidate viable and necessary.
20 Also, the US citizens at level 2 function,
21 they're international candidates because they
22 signed up for that. They're eager to go abroad.

23 Q. So in Spartanburg, when you're referring to
24 internationals, what's the term you use for the
25 US citizens in Spartanburg?

1 Do you use the word domestic?

2 A. Domestic or local, yeah.

3 Q. Domestic or local?

4 A. If they're working here, yeah. Having a local

5 contract, yeah.

6 Q. Okay.

7 A. It could be also a green card, for example, as

8 having a local contract, considered as local.

9 Q. There have been no level 2 -- well, let me ask it

10 this way, then.

11 During the time that you have been president, has

12 there been anybody who was not a domestic or

13 local in the level 2 positions that came from any

14 country other than Germany?

15 A. We have -- in our senior management, we have

16 three Austrians, two US citizens, and rest are

17 Germans.

18 Q. You have Austrians at level 2?

19 A. Sure.

20 Q. Who are the three Austrians at level 2?

21 A. It's Christian Tschurtschhaler, Siegfried

22 Mueller, and Manfred Pernitsch.

23 Q. And they work in Spartanburg?

24 A. Yes, sir.

25 Q. Okay. What are their positions?

1 heading successfully couple of years the assembly
2 line, and knows what needs this plan in terms of
3 HR, and more than qualified also being on the
4 level 2 position for longer period of time to do
5 this job and was the best candidate.

6 Q. When you say, "local international candidate,"
7 you're referring to domestic or local?

8 MR. MOODY: Objection to form.

9 THE DEPONENT: In my -- I've been in operations
10 internationally since 20 years, and I'm truly
11 convinced the local international HR leader is,
12 if skilled, the best way to operate.

13 EXAMINATION RESUMED

14 BY MR. MURPHY:

15 Q. But you wanted a domestic or local in the TX6
16 position. Is that what you're saying?

17 A. Yes, sir.

18 Q. Why was Kelly Dawsey moved out of TX60?

19 MR. MOODY: Objection to form.

20 You can answer.

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. I'll back up.

24 You know that Ms. Dawsey was in TX60, correct?

25 A. Yes, sir.

1 Q. Well, what do you understand Ms. Burghardt's
2 position to be?

3 A. She's heading human resources Germany and
4 international.

5 Q. What do you mean by international?

6 A. To cope with the activities of international
7 facilities of BMW.

8 Q. Were there any domestic or local candidates
9 considered for the TX60 position awarded to
10 Ms. Burgmeier?

11 A. We had to look -- we looked for them, but the
12 most suitable one was Eva Burgmeier.

13 Q. Who did you look at?

14 A. We looked at the succession planning list, but
15 there was no suitable candidate on it. To whom
16 we looked, I cannot recall.

17 Q. Who was on the succession planning list for TX60?

18 A. I don't recall.

19 Q. Eva Burgmeier was not on that list, was she?

20 A. I don't recall, but she was international
21 candidate.

22 Q. Kathy Keiser was on that list, wasn't she?

23 A. I don't recall.

24 Q. Did you review the succession plan for TX60?

25 A. We discussed the succession plan internally with

1 the two VPHR and was in alignment with Germany
2 and came to the conclusion that Eva Burgmeier is
3 the best suitable candidate. Also was a clear
4 link to the international network, which was one
5 of the cases the local candidates didn't have.

6 Q. What do you mean by "clear link to the
7 international network?"

8 A. Look, Eva Burgmeier had held several positions
9 within the human resources network and in
10 different plants and different functions, and for
11 us it's vital to have this close link to the
12 network for several reasons and discussions, and
13 she was the best one.

14 Q. What are the several reasons that it is vital for
15 you to have a link to this network?

16 A. Look, as I told you, BMW setup is a global setup.
17 We have 10 fully-scaled plants. We have 30
18 plants all overall, and for us it's vital that we
19 have a close link to the production network in
20 terms of qualification, in terms of having the
21 right international candidate in time,
22 specifically also looking to the launches, to
23 also have a clear view on the compensation and
24 benefits side, to have a clear view towards
25 business partners in Germany, BMWMC acting as a

1 contract manufacturer for BMW, and these are the
2 skills.

3 Q. So no domestic or local candidate would have had
4 that qualification, correct?

5 A. Eva Burgmeier was the best one.

6 Q. Why would the TX60 position need to have any
7 connection to Germany?

8 A. I don't understand the question.

9 Q. Why would it be beneficial at all to have anybody
10 with international experience in the TX60
11 position?

12 A. Look, what we discussed at BMW is a network
13 companies. We have production facilities
14 worldwide which need common alignment on
15 training, on qualification, on setting up the
16 right schemes and structures on common and agreed
17 level worldwide because there is only one BMW
18 quality, and we need to adhere all to the
19 processes and the needs for car production.

20 Therefore, knowing that the car engineered and
21 designed in Munich, it is vital that we have one
22 common language and understanding of the needs.

23 In addition, what I can tell you about my
24 personal experience, I have been four years to
25 China, and in China, we had similar setup of the

1 human resources department that at least one
2 candidate, international candidate, have the
3 strong link to Germany, and it worked perfect. I
4 truly believe and am truly convinced that this is
5 also, even then having one local domestic
6 candidate as HRVP heading this operation, at
7 least one close link is here in the 60 function.
8 If it is independent, if it's domestic or
9 whoever, we need the person with the skills, and
10 the best one was Eva Burgmeier.

11 Q. But the link needs to be a link to Germany?

12 A. No.

13 MR. MOODY: Objection to form.

14 EXAMINATION RESUMED

15 BY MR. MURPHY:

16 Q. So you would want somebody who has a close link
17 to China?

18 A. To the international network. The majority of
19 the international network, for sure, is Germany.

20 Q. But what does the TX60 position -- how does it
21 interact with anybody internationally? Why does
22 that matter?

23 A. Look, BMW is -- the production premises on
24 worldwide basis, so specifically for the skills
25 of training, education, how to build the cars,

1 A. I don't know, but she's communicating globally.

2 Q. What came first, the decision to move Kelly
3 Dawsey out of TX60 into 64 or the decision to
4 hire Eva Burgmeier into TX60?

5 A. The first -- my decision was to put Sherry McCraw
6 in the succession of Christine Petrasch, and then
7 there was a common agreement from Christine
8 Petrasch and Sherry McCraw to have the
9 organization like just discussed.

10 Q. But my question is, what was decided first? Was
11 it decided to move Kelly Dawsey out of 60 and
12 then the decision was made to bring in
13 Ms. Burgmeier, or was the decision made to bring
14 in Ms. Burgmeier and then the decision was made
15 to move out Ms. Dawsey?

16 MR. MOODY: Objection to form.

17 THE DEPONENT: I know a proposal from Christine
18 Petrasch and from Sherry McCraw about the setup,
19 but I can only speculate made in common. I don't
20 know.

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. But prior to that conversation with Ms. McCraw
24 and Ms. Petrasch, you had already spoken to
25 Germany about bringing Ms. Burgmeier in, correct?

1 A. There was some discussions, yes, how to shape and
2 organize TX6 in total internally and also with
3 Germany, yes.

4 Q. And why do you speak to the people in Germany
5 about the organization of TX6 in Spartanburg?

6 A. Look, we are -- as I told you, we are production
7 network. My job and my responsibility is here to
8 produce over 400,000 vehicles a year, over 1500
9 cars a day, and to have here an aligned and
10 agreed way of proceeding. And, therefore, for
11 sure, the decision how to set up the organization
12 is finally with BMWMC, what I'm laying -- or what
13 I'm heading, I'm the president, and the
14 responsibility, and, therefore, for sure, we made
15 the final decision.

16 Q. I didn't ask that.

17 I asked, why are you communicating with Germany
18 about -- if you have the final decision, why are
19 you talking to Germany about it?

20 A. As I told you, we are a production network. We
21 need the right and skilled people for the right
22 positions, and, as you know, our associates, our
23 managers, they are not only minority-wise. They
24 are from the US, but we need specially skilled
25 and trained people in the one other position,

1 and, therefore, we need to align with
2 international production network on this.

3 Q. Did you speak to anybody in Germany about hiring
4 Eddie Bailey in TX64?

5 A. No.

6 Q. Did you speak to anybody in Germany about hiring
7 Mr. Bailey's successor in TX64?

8 A. No.

9 Q. Did you speak to anybody in Germany about putting
10 Scott Medley on special project or assignment?

11 A. Yes.

12 Q. Who did you speak to in Germany about that?

13 A. It was Uwe Bald --

14 Q. And who is she?

15 A. -- and Barbara Burghardt.

16 Q. Was the other name Uwe?

17 A. Bald.

18 Q. Can you spell that last name, please?

19 A. B-A-L-D.

20 Q. And who is Uwe Bald?

21 A. He's in the first fine of Barbara Burghardt
22 responsible for HR production network.

23 Q. And why were you speaking to them about putting
24 Scott Medley on special assignment?

25 A. I look at project, and also, by the way, the